
OLR Bill Analysis

sSB 445

AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE TASK FORCE ON THE SALE OF CATS AND DOGS FROM INHUMANE ORIGINS AT CONNECTICUT PET SHOPS.

SUMMARY:

This bill makes various changes to the pet shop licensee statutes. It:

1. requires the Department of Agriculture (DoAg) commissioner to develop a standard of care applicable to in-state dog and cat breeders (§ 1);
2. prohibits pet shop licensees from purchasing dogs or cats from breeders who have violated USDA animal welfare regulations and increases the fine for violating related requirements (§ 4);
3. increases the amount of money a pet shop licensee must reimburse a customer for veterinarian expenses incurred to treat a dog or cat that becomes ill shortly after purchase from the shop (§ 2);
4. requires a pet shop licensee to post U.S. Department of Agriculture (USDA) inspection reports for breeders of any dog offered for sale (§ 3); and
5. eliminates the attorney general's role in collecting civil penalties from pet shop licensees violating state law, allowing the DoAg commissioner to fine the licensees directly (§§ 2 & 3).

The bill also requires the DoAg commissioner to report to the Environment Committee, by January 1, 2015, any legislative recommendations for (1) pet shop licensure and (2) enforcement of pet shop laws and regulations (§ 5).

EFFECTIVE DATE: October 1, 2014

§ 1 — STANDARD OF CARE FOR BREEDERS

The bill requires the DoAg commissioner, by December 31, 2014, to prescribe the standard of care that breeders must provide to dogs and cats. The standards apply to anyone who (1) keeps 10 or more unneutered or unspayed dogs capable of breeding or (2) owns or operates a breeding cattery. The standards must be consistent with the standard of care animal importers must provide for imported animals, which the commissioner prescribes.

By law, a town may require a dog breeder (i.e., a person who keeps 10 or more unneutered or unspayed dogs capable of breeding) to apply to the town clerk for a license. Under the bill, the DoAg commissioner or an animal control officer (ACO) may inspect such a breeding facility to determine if it is complying with the standard of care applicable to breeders. By law, the commissioner or ACO may already inspect the facilities to determine if (1) they are being maintained in a sanitary and humane manner or (2) a communicable disease or other unsatisfactory condition exists.

By law, if the commissioner determines that a breeding facility is noncompliant, he may (1) issue orders requiring the conditions to be corrected and (2) quarantine the premises and animals. If the facility's owner or keeper does not comply with the commissioner's orders, the commissioner may recommend that the town revoke or suspend the facility's license. The bill extends these provisions to the standard of care requirements.

By law, anyone operating a breeding facility after a town license has been revoked or suspended is subject to a fine of between \$50 and \$100.

§ 4 — PET SHOP LIMITATION ON BREEDERS

The bill limits the breeders from whom a Connecticut pet shop can purchase dogs or cats for resale by prohibiting them from purchasing dogs or cats from breeders who have violated USDA animal welfare regulations.

Under current law, a pet shop licensee must purchase dogs or cats from breeders who possess a current license from the USDA and any applicable state agency. The bill additionally requires that they purchase dogs or cats from a licensed breeder who has not committed (1) a direct violation of USDA breeder regulations during the two years before the purchase or (2) three or more indirect USDA violations relating to the health or welfare of an animal (see BACKGROUND).

By law, a licensee may also purchase a dog or cat for resale from an entity other than a breeder (e.g., a person, firm, or corporation located outside of Connecticut) if the entity possesses a current license from the USDA and any applicable state agency.

The bill increases, from up to \$100 to up to \$500, the fine associated with violating (1) the breeder or other entity requirements or (2) a requirement that pet shop licensees have, for each dog sold or offered for sale, a certificate of origin identifying the breeder's name and address. Thus, under the bill, a violator is subject to a fine of up to \$500, 30 days in prison, or both. By law, each day of a continuing violation is a separate offense.

§ 2 — PET LEMON LAW

Reimbursement of Veterinarian Expenses

The bill increases, from up to \$500 to between \$500 and the purchase price of a dog or cat, the amount of money a pet shop licensee must reimburse to a customer for veterinarian services and medications spent to treat an ill animal. However, it is unclear what reimbursement amount applies when the animal's purchase price is less than \$500.

By law, pet shop licensees must reimburse a customer for veterinarian expenses incurred for a dog or cat that (1) within 20 days after sale, becomes ill or dies of an illness that existed at the time of sale or (2) within six months after sale, is diagnosed with a congenital defect that adversely affects its health. At the customer's option, the pet shop licensee must instead replace the animal or refund the

animal's purchase price.

Penalty

The bill allows the DoAg commissioner to fine a pet shop licensee who violates the pet lemon law or a related requirement up to \$500. It eliminates the need for the commissioner to ask the attorney general to sue such a pet shop licensee in order to recover a forfeiture of up to \$500 per affected animal.

By law, the sanction applies to any violation of the (1) pet lemon law or (2) requirement that a pet shop licensee, (a) before offering a dog or cat for sale, and every 15 days until the animal is sold, have the animal examined by a Connecticut-licensed veterinarian and (b) maintain a record of the veterinary services provided each dog and cat offered for sale.

§ 3 — POSTING INFORMATION***USDA Inspection Reports***

The bill requires a pet shop licensee to post the USDA inspection reports for the breeder of any dog offered for sale. The reports must be posted on or next to dog's cage. Under the bill, a violator is subject to a fine of up to \$500.

Required Signage Penalty

The law requires pet shop licensees to post a sign on the cage of each dog offered for sale indicating the dog's breed, where the dog was born, and any identification number on the official veterinary inspection certificate from the state of origin. Pet shop licensees must also post a sign that (1) includes DoAg's telephone number for receiving complaints about diseased or disabled animals and (2) states

The following information is always available on all our puppies: date of birth, the state of birth, breed, sex and color, the date the pet shop received the puppy, the names and registration numbers of the parents (for AKC registerable puppies), record of inoculations and worming treatments and any record of any veterinary

treatment or medications received to date.

The bill allows the DoAg commissioner to fine a pet shop licensee who violates these signage requirements up to \$500. It eliminates the need for the commissioner to ask the attorney general to sue such a pet shop licensee in order to recover a forfeiture of up to \$500.

BACKGROUND

USDA Violations

USDA-licensed breeders must comply with standards of care outlined in federal regulations under the Animal Welfare Act. These standards set minimum requirements for humane handling, shelter, space requirements, feeding, watering, sanitation, and veterinary care, among other things. To ensure breeders comply with the requirements, USDA inspectors perform compliance inspections. The USDA classifies regulatory violations into two categories: direct violations and indirect violations. Direct violations generally involve serious deviations from the applicable standards of care, resulting in unhealthy or ill animals. Indirect violations cover a wider range of indiscretions, including violations that (1) affect an animal's health or welfare and (2) administrative deficiencies that do not affect an animal's health or welfare.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/21/2014)